

REMARKS

Upon entry of the present amendment, claims 22-24, 28-34 and 37-43 will remain pending in the above-identified application and stand ready for further action on the merits.

In the instant amendment, claims 22-24, 32-34, 37-40 have been amended and claims 41-43 have been added. Claims 25-27 and 35-36 have been cancelled.

For example, claim 25 has been cancelled and rewritten into an independent format as new claim 41 while also incorporating the features of currently amended claim 22. Similarly, claims 26 and 35 have been cancelled and rewritten into an independent format as new claims 42 and 43, respectively. The amendment to claim 22 finds support at page 6, line 24 to page 7, line 18 of the specification.

Proper consideration of each of the pending claims (i.e., claims 22-24, 28-34 and 37-43) is respectfully requested at present, as is entry of the present amendment.

Allowable Subject Matter

At page 6, paragraph "7." of the outstanding Office Action, the Examiner states that claims 25-27 and 35-36 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As mentioned above, claim 25 has been cancelled and rewritten into an independent format as new claim 41 by incorporating the features of currently amended claim 22. Further, claims 23 and 35 have been cancelled and rewritten into an independent format as claims 42 and 43, respectively. Claims 27 and 36 have been canceled.

As the Examiner states at page 6 of the outstanding Office Action, each of the cited

references fails to disclose or suggest “the annular rubber component is the bead apex rubber” as recited in newly added claim 41.

Thus, it is respectfully submitted that upon entry of the present amendment, the Examiner will find that claim 41 and dependent claims 42 and 43 are patentable. Accordingly, Applicants respectfully request reconsideration and withdrawal these objections.

Rejection under 35 USC § 103 (a)

Claims 22, 30, 32 and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai US '959 (US 4,875,959) in view of Minami US '343 (US 5,688,343) and/or Smithkey US '039 (US 3,657,039) and further in view of Sergel US '664 (US 5,582,664) and optionally Oku US '773 (US 5,186, 773). Further, claims 22, 29, 32 and 38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokohama JP '835 (JP 4-101835) or Bridgestone JP '459 (JP 7-40459) taken in light of Lin US '583 (US 5,040,583). Further, claims 22, 24, 28, 30-32, 34, 37, 39 and 40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Riggs US '104 (US 4,276,104) taken in view of Costemalle US '438 (US 5,376,438) and Steinle US '134 (US 2,649,134). Still further, claims 22-23, 28, 30, 32-33, 37 and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Morris US '934 (US 1,353,934) taken in view of at least one of Deist US '573 (US 3,223,573), Bridgestone JP '104 (JP 62-279104), Montagne US '019 (US 3,907,019) and optionally Oku US '773.

Rejections over the Cited References

Upon entry of the present amendment, it is clear that the present invention is patentable.

The Examiner has rejected claim 22, citing the references: Kumagai US '959, Yokohama JP '835, Bridgestone JP '459, Riggs US '104 and Morris US '934.

However, these cited references fail to disclose or suggest the feature of "allotting thicknesses and widths to at least three unvulcanized rubber strips made from the same rubber composition as said rubber composition, based on said determined cross sectional shape of the annular rubber component which is formed by disposing said unvulcanized rubber strips having the allotted thicknesses and widths upon one another, said thicknesses being in a range of from 0.5 to 4.0 mm" as is recited in the present invention.

Additionally, the other references are further removed from the present invention. Thus, a *prima facie* case of obviousness is not established even if the cited references are combined, and the cited references provide no motivation to those of ordinary skill in the art that would allow them to arrive at the present invention.

Applicant submits that the present invention provides unexpected results as shown in Tables 1-3. The skilled artisan reading the cited references would not appreciate that the method of the present invention provides a tire having improved radial force variation and resistance to open tread joints, fewer dents and bulges in the sidewall, and fewer overall defects.

Based on the above considerations, it is submitted that the present invention (claim 22-24, 28-34 and 37-40) is not obvious over the cited references.

Accordingly, each of these rejections is respectfully traversed and reconsideration and withdraw thereof is respectfully requested.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Andrew D. Meikle (Reg. No. 32,868) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant